

**Vermont Judiciary**  
**Division of Planning and Court Services**

**ESTABLISHING A TREATMENT DOCKET OR  
PROBLEM-SOLVING DOCKET**

*The Supreme Court has established a protocol for approval of specialty, problem-solving, and treatment dockets. The approval by the Court will be based on its consideration of the factors outlined in this document and the enclosed application. Please note that submission of a completed application does not guarantee approval of a proposal.*

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The purpose of this document is to guide judges and other community members seeking to establish a specialized docket, such as a problem-solving docket or a treatment docket.

The Division of Planning and Court Services developed this document for several reasons. First, we want to respond consistently to requests for help establishing a new specialized docket. Second, we want to make sure that the programs we help establish have as great a likelihood of success as possible; the steps set forth below are based on recommendations from organizations that have evaluated successful and unsuccessful specialized dockets and distilled evidence-based best practices. Third, we want to make sure that planning groups have realistic expectations about the work involved and the timeline for getting a new initiative off the ground.

We recognize that the application form (Appendix B) calls for a substantial amount of work by judges, court personnel, and community stakeholders. We believe this planning is essential to help defendants succeed in these dockets.

We also recognize that establishing a specialized docket costs money. There might be start-up costs, such as training the team members who will implement the docket, and there might be ongoing costs, such as case coordination costs and/or evaluation costs. Unless and until the Supreme Court or the Legislature sets aside general funds to support directly the establishment and/or maintenance of specialized dockets, applicants will need to identify funding sources other than general funds appropriated to the Judiciary for their proposal(s). As set forth below, the Court Administrator's Office, Division of Planning and Court Services (PCS) *might* be able to help identify possible funding sources; however, the degree of available assistance depends on the nature of the proposed docket as well as competing priorities within the division.

By following the steps outlined in this document and completing the planning work laid out below, you can help craft a proposal that is likely to keep your community safe, help participants lead law-abiding lives, and promote respect for the Judiciary and the service providers that will support your new endeavor.

### ***What Is a Specialized Docket?***

A specialized docket is a judicial intervention that works best with high-risk, high-need individuals and focuses on chronic behaviors for the purpose of reducing recidivism and treating underlying conditions, such as substance use / addiction or mental health illnesses. These

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programs are voluntary and feature early intervention and treatment, judicial monitoring, mandatory drug testing, community supervision, and sanctions and incentives to increase a participant's likelihood of success.

Specialized dockets also challenge key players to step out of familiar roles. For example, judges might be expected to establish relationships with participants (offenders) by engaging in extended conversations during periodic check-ins, rewarding participants for achieved goals, and looking for unconventional strategies that will support a participant's treatment or recovery if the participant relapses.

Effective specialized dockets address:

- A specific problem
- That affects a particular group of court users
- Who are served by one or more courts
- Where the planning team
- Selects creative options that:
  - Harness the strengths of local resources;
  - Comport with recognized best practices; and consequently
  - Produce better outcomes for the target population.

The Judiciary welcomes requests from local judges and communities seeking to establish a specialized docket. Proponents of a new docket should follow the process outlined below.

### ***What Is the Process for Establishing a Specialized Docket?***

Planning and implementing specialized dockets requires the collaborative participation of judicial and non-judicial court staff, including technology and security staff, as well as input from key community stakeholders, such as representatives from the State's Attorney's office, the

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Defender General's office, local service providers, law enforcement, the Department of Corrections, the Department for Children and Families, and/or local municipal partners.

PCS will assist judges, non-judicial staff, and members of a community who want to establish a specialized docket. PCS strongly encourages docket proponents not affiliated with the judiciary to secure support from their local judge before asking PCS for assistance developing an application; such support is essential to the success of specialized dockets.

PCS delivers its technical assistance in four phases:

1. During the first phase, PCS staff will:
  - a. Help those proposing a specialized docket define the problem to be addressed and identify key stakeholders within the community who should be invited to join a planning group; and
  - b. Offer to facilitate the initial meeting(s) of the planning group, during which the planning group will refine the problem to be addressed and learn about the process for establishing and obtaining support for a specialized docket.

The first phase culminates in an application (Appendix B), which the planning group submits for review and approval by:

- The presiding judge(s) of the court(s) where the docket will be housed;
- The Chief of the Division of Trial Court Operations;
- The Chief Superior Judge;
- The State Court Administrator; and
- The Supreme Court.

2. If the proposal is approved, PCS staff will:
  - a. Provide technical assistance to help members of the planning group enroll in training or receive other helpful resources;

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- b. Provide guidance regarding implementation of the initiative, including how to develop a planning document, how to measure the success of the proposed docket, and how to integrate the successful components of the docket with ongoing operations; and
  - c. Help the planning group develop a budget for the proposed initiative, secure available funding, and report progress to funders.
3. During the third phase, PCS staff will:
- a. Meet regularly with stakeholders to provide ongoing guidance and assistance after the docket is up and running;
  - b. Help stakeholders reinforce processes that work and tackle problems that impede the success of the initiative; and
  - c. Liaise with an evaluator to ensure that the evaluator has access to necessary information.
4. During the final phase, PCS staff will:
- a. Help integrate the specialized docket into existing operations or wind down the specialized docket consistent with the planning document; and
  - b. Liaise with the evaluator (if the proposal calls for an evaluation) to ensure that the evaluation is complete and is issued timely.

To request assistance from the Division of Planning and Court Services, please contact:

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### *Caveats for Planning Groups*

1. Grant funding is often available to support the planning and start of specialized dockets. Grant funding might also support daily operations of the docket for a limited period of time. Because that funding is finite, the planning document should explain how the Judiciary will be asked to support the docket after start-up funds expire or what will happen to the docket when those funds disappear. If the planning group expects the Judiciary to pay for ongoing support after start-up funds are spent, the planning group should work with PCS staff to assess what support will be needed and to obtain guidance from the Supreme Court regarding the feasibility of the requested support. Please note that unless and until the Supreme Court or the Legislature allocates general funds specifically to support one or more specialized dockets, such funds will not be available to support implementation or maintenance costs associated with proposed dockets. Planning groups will need to look to other funding sources.
2. Planning groups should recognize that the Supreme Court might decline to approve a proposed specialized docket for any of several reasons, including:
  - a. Priority established by the Supreme Court;
  - b. Lack of available funding to support the proposed initiative;
  - c. Constraints on existing resources to support all of the activities associated with planning, implementing, integrating, or evaluating a proposed specialized docket;
  - d. Concerns about the predicted success of the proposal;
  - e. The merits of competing proposals or competing priorities; or
  - f. Developments that render the proposed program noncompliant with contemporary best practices.



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This chapter provides guidance on defining the problem facing the local court and assembling a planning group to discuss options for addressing that problem.

### *Defining the Problem*

Court systems implement treatment courts or problem-solving courts to:

- Process cases more efficiently;
- Reduce defendants' time in custody (either waiting for trial or after conviction);
- Reduce recidivism; and/or
- Connect defendants or families with resources available in the community to address underlying needs, such as connecting defendants with substance abuse treatment providers to address defendants' addiction or mental health needs.<sup>1</sup>

Defining the problem your proposed specialized docket will solve is critical for several reasons:

1. If a specialized docket will require grant funding, funders typically require a clear statement of the problem the funder's money will help solve. The preliminary work you do to define the problem will lay the foundation for a more developed problem statement when a grant application is written.
2. A well-crafted statement captures how the problem is affecting your community, and it highlights where there are opportunities to improve your community.
3. The process of developing a problem statement provides additional insight to the planning group and helps the group focus on interventions that are most likely to have the biggest bang for the buck.

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<sup>1</sup> Adapted from [Developing and Implementing a Drug Treatment Court in Michigan](http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/Specialty/DC-PlanningImplementation.pdf), November 2012, available for download at: <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/Specialty/DC-PlanningImplementation.pdf> (accessed on March 22, 2016).

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With the assistance of PCS staff, you will be asked to make a clear, concise, and evidence-supported statement of the problem you want to solve.

Some general questions to consider:

- What problem is affecting your community?
  - What is the history of that issue in your community?
  - How has your community tried to tackle this problem in the past?
  - Why have those efforts not been sufficiently effective?
- What is the cost—social, fiscal, etc.—of this problem to the community? Is there a causal connection between the problem you've identified and these costs? How can you prove causality?
- Why must the local court help solve this problem?

When reviewing caseload statistics, probation violation data, and repeat offense statistics, pay attention to the specific types of offenses or offender characteristics that are most common, as this will likely become the target population. Some specialized dockets, such as juvenile dockets, adult dockets, men's dockets, or women's dockets, focus on specific offender characteristics. Others, such as Driving Under the Influence (DUI) dockets or Integrated Domestic Violence (IDV) dockets, focus on specific offenses.

To determine a caseload estimate for the proposed specialized docket, note the number of offenders who would be eligible for the specialized docket.

When reviewing offender characteristics and specific offenses, remember that the proposed docket should also accept cases where participants are charged with offenses related to the target offense. For example, if you are considering establishing a drug treatment docket, it would be appropriate for the docket to accept cases where participants are charged with forging checks where that activity occurred to support the offender's use of prohibited substances.

If you are contemplating a treatment docket for defendants charged with narcotics offenses:

1. Gather data on the drug of choice and substance abuse patterns in the target population in your community.

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2. Which target population will you serve: adults or juveniles?
3. Estimate the proportions of your target population who are substance dependent at arrest, experience physical symptoms of withdrawal, and are in need of medically monitored detoxification or maintenance services.
4. What is happening in your court and your community? Why is that inadequate?
5. What else do you know about the defendants who are currently charged or convicted in your community? Substance abuse treatment providers in your community can likely help you answer these questions.

#### Needs Assessments

The planning group should consider conducting a needs assessment to help describe the scope of a problem facing your community. A needs assessment is a process that draws on data to reveal your community's needs, which can be expressed as gaps between current conditions and ideal conditions. Community partners, including universities/colleges, municipalities, local health systems, law enforcement, or school districts might be able to help gather data or conduct a needs assessment to assess the impact of the problem on your community.

A well-planned needs assessment can examine available data on race, ethnicity, age, gender, arrest volume, and crime patterns within the population at large and within your particular community to help you describe what problem your community is facing, whom that problem affects, and how the problem affects that population and your community at large.

#### Using the Benefits of Specialized Dockets to Develop the Problem Statement

Another strategy for developing the problem statement is to consider the benefits of various specialized dockets and then think about how bringing those benefits to your community would improve your community. The benefits and components set forth below reflect deeper values, and when you articulate those underlying values, your planning group might be better equipped to identify what things need to improve in the local community.

For example, component # 2 of the Ten Key Components of Drug Courts states: "Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights." That component speaks to a commitment to collaborative, civil, and professional cooperation among prosecutors and defense counsel to ensure that

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defendants' rights are respected and the community's safety is assured. If data confirm that relationships between prosecutors and defense counsel are frayed in your community, and if data also confirm that this atmosphere results in delays moving cases from indictment to trial, then the planning group can and should include the state of discord between prosecutors and defense counsel as an element of the problem statement.

### *Benefits of Integrated Domestic Violence Dockets<sup>2</sup>*

- Informed judicial decision-making based on comprehensive and current information on all issues involving the family;
- Protecting the rights of all litigants;
- Victim safety through the elimination of conflicting orders and careful monitoring of compliance;
- Consistent handling of all matters relating to the same family by a single presiding judge;
- Efficient use of court resources, with reduced numbers of appearances and speedier dispositions through consolidation of court operations into one courtroom;
- Links to social services and other resources to address comprehensively the needs of family members;
- Coordinated response and collaboration among criminal justice and child welfare agencies and community-based groups offering social services and assistance to domestic violence victims and their children; and
- Increased confidence in the court system by reducing inefficiency for litigants and duplicative functions for courts.

### *Ten Key Components of Drug Courts*

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.

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<sup>2</sup> Integrated Domestic Violence Court Technical Assistance Tool Kit, New York State Unified Court System (Rev'd March 2007).

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4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitative service.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

*Ten Essential Elements of Mental Health Courts*

1. A broad-based group of stakeholders representing the criminal justice system, mental health system, substance abuse treatment community, and the community at large guides the planning and administration of a mental health court.
2. The mental health court should establish eligibility criteria to address public safety in light of a community's treatment capacity and the availability of alternatives to pretrial detention for defendants with mental illness. Eligibility criteria should take into account the relationship between mental illness and a defendant's offenses while allowing the individual circumstances of each case to be considered.
3. After participants are identified, referred, and accepted into a mental health court, they should be linked to community-based service providers as quickly as possible.
4. Terms of participation must be clear, promote public safety, facilitate the defendant's engagement in treatment, be individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.

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5. The mental health treatment court should ensure that defendants fully understand program requirements before agreeing to participate. The court should provide legal counsel to inform this decision and subsequent decisions about program involvement. The mental health treatment court must follow procedures that address, in a timely fashion, concerns about a defendant's competency whenever those concerns arise.
6. The mental health court connects participants to comprehensive and individualized treatment supports and services in the community. They strive to use and increase the availability of evidence-based treatment services.
7. Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded in the event that participants are returned to traditional court processing.
8. A team of criminal justice and mental health staff, as well as service and treatment providers, should receive special, ongoing training that helps mental health court participants achieve treatment and criminal justice goals. The team should regularly review and revise the court processes.
9. Criminal justice and mental health staff should monitor collaboratively participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.
10. The team should collect and analyze data to demonstrate the impact of the mental health court. The team should also assess the court's performance periodically (and modify procedures accordingly) and integrate mental health court processes into existing operations where feasible. The team should cultivate and expand support for the court in the community.

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### Sample Problem Statement<sup>3</sup>

Violence against women by their domestic partners is recognized as a major international public health problem in both developed and developing countries. Australia—Western Australia in particular—is no exception.

- Domestic violence is the most common form of assault in Australia.
- In a 1996 survey in Australia, 2.6% of women in a relationship reported a violent incident in the 12 months prior to the survey.
- Since the age of 15, 30% of women had experienced physical violence and 18% had experienced sexual violence from a male.
- A national survey indicated 42% of women (1.1 million) who had ever been in a relationship reported an incident of violence by a partner. Young women aged 18 - 24 years are at more risk of domestic violence than women from any other age group.
- Aboriginal people are approximately 45 times more likely to be victimized by domestic violence than non-Aboriginal people. Overall, Aboriginal victims sustain more serious injuries from reported incidents of domestic violence than non-Aboriginal victims.

**Gender Considerations:** Intimate partner violence also involves female-to-male partner violence and same sex partner violence. However, male-to-female partner violence occurs much more frequently and with far more serious consequences in terms of injury and death. In 1994, Western Australian females were victims in 91.4% of domestic violence cases and males in 8.6%.

**Health Costs:** Victims of family and domestic violence are at increased risk of injury and gynecological problems, have twice as many miscarriages, and have higher levels of stress and anxiety, depression, and psychiatric illness. Victims are also more likely to attempt or commit suicide, abuse drugs, have an alcohol problem, and suffer from social isolation.

**Family Consequences:** Intimate partner violence not only has major consequences for the physical and mental health of the women, but also has major consequences for children and other family members. Children affected by witnessing violence in the home may display nervous and withdrawn behavior, anxiety, adjustment problems, few social interests, poor school performance, bedwetting, restlessness, psychosomatic illness, excessive cruelty to animals, and aggressive language and behavior. The children (who may also be victims of domestic violence) are at higher risk of being a victim or perpetrator in their future relationships.

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<sup>3</sup> <http://www.orau.gov/cdcynergy/soc2web/content/activeinformation/examples/example-violence.htm>

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**Economic Costs:** The estimated cost of assisting 20 victims of domestic violence in Western Australia in 1989 was more than \$1 million. A more recent analysis which includes direct and indirect costs estimated the annual cost of domestic violence to be over \$1.5 billion. The study showed that over half the costs (\$800 million) are borne by the women themselves; the cost to the Commonwealth and the State Governments is \$400 million and the remainder of the cost is to other people such as employers.

**Non-Economic Costs:** The costs of such violence **must include** jail time, emergency ward treatments, hospital bed nights, placements for family members who leave their homes, **and** lives lost in homicides and suicides. There also are enormous costs in terms of children's lost happiness, as well as the fear that all victims experience.

**Psychological Consequences for Violent Men:** Violent men rarely attract sympathy. Nevertheless, they frequently suffer psychologically via guilt and remorse, feelings of helplessness, anxiety and depression. They often commit suicide (or murder-suicide).

### *Establishing the Planning Group*

As discussed above, you might need the assistance of individual practitioners or representatives from organizations in your community to help you create your problem statement. Once these people are on board as members of a planning group, they can help you consider options that draw on the unique strengths of practitioners and institutions in your community to include in your proposed specialized docket.

Specialized dockets require the buy-in of the community: the court, law enforcement officials, and political leaders. Other members of the community, including representatives from treatment facilities, medical care providers, your local prosecutor's office, the defense bar, social service organizations, community justice centers, clergy, schools, etc., can also be powerful and helpful stakeholders. After your specialized docket is established, members can continue to meet to review program performance and address changes to policy or procedure.

A representative from the Court Administrator's Office, Division of Planning and Court Services, should also be included on the planning group. The sooner that PCS staff person can be involved, the better the chance that the proposed docket will be implemented.

### Planning Groups for Drug Treatment Dockets

The individuals who compose the planning group often end up serving on the "Drug Court Team." The drug court team includes professionals who are primarily responsible for operations



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of the program and for managing the supervision of participants in the program. Thus, even at the earliest planning stages, planners should be thinking about who will need to stay on to support the program after the proposal gets off the ground and in what capacity they will serve.

The drug court team should include the judge, who will serve as the leader of the team. Other members should include a program coordinator, representatives from the State's Attorney's office, at least one member of the local defense bar, a probation officer, and representatives from treatment provider(s), local law enforcement, and local coordinating agencies or community organizations.

The planning group should consider which of these drug court team members will need to be paid. Indeed, taking the time to participate in planning meetings can take a toll on the budgets of key stakeholders; for example, the time a prosecutor spends in planning meetings is time away from prosecuting cases. Some team members might volunteer their services, whereas others will be paid through a contract or memorandum of understanding. Moreover, the planning group should consider whether existing funding can pay for each drug court team member or whether additional funds will need to be secured. For example, the program coordinator position often needs to be funded as a temporary or limited-service position, and the availability of line numbers for such positions will likely depend on factors outside of the planning group's control.

#### Planning Groups for Integrated Domestic Violence Dockets

As with the drug court team, the planning group for an IDVD program should include a judge who will serve as leader of the IDVD team after the program launches. The IDVD team should also include court staff, such as the court operations manager, representatives from the local State's Attorney's office and Defender General's office, and counsel from the private defense bar. The IDVD team should also include authorized representatives from the local Probation and Parole office and other community resources, such as a local domestic violence advocacy group. The planning group should also consider whether a program coordinator is necessary.

#### Will the Specialized Docket Require a Program Coordinator?

A program coordinator typically does the following:

- Coordinates and implements the day-to-day activities of the specialized docket;
- Collects, coordinates, and reviews data using a management information system (database) to measure compliance with interagency memoranda of understanding,

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- Ensures performance outcomes are met under established policies and procedures, and liaises with the program evaluator;
- Researches, compiles, and writes reports describing progress and funds;
- Plans, implements, and monitors the daily court schedule, and ensures the treatment court docket is implementing best practice while serving the appropriate target population;
- Maintains accurate court records and prepares court case documents timely, including notices of hearings, transport orders, docket entries and conditions of release;
- Works well with court staff to ensure availability of interpreters and reasonable accommodations for participants consistent with the Americans with Disabilities Act (ADA);
- Works with court staff to ensure that the appropriate cases are identified and transferred into the treatment court docket;
- Maintains cooperative customer-service-oriented relationships with and promotes program integrity among program service providers, including treatment agencies, community organizations, probation department staff, defense counsel, prosecutors, judicial officers, and other court staff;
- Promotes program integrity;
- Assists the judge in monitoring participants' compliance with orders and probation conditions;
- Monitors docket efficiency;
- Convenes and facilitates team meetings, including developing the agenda and taking minutes;
- Organizes and facilitates interdisciplinary trainings;
- Participates in conferences and community presentations; and
- Ensures that team and treatment providers adhere to program policies and protocols.

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The PCS staff person on your planning group can help your team consider whether and when a dedicated program coordinator is necessary.

### *How Can Your Community Address the Problem?*

While judges and court staff might have a general idea about the resources that are available in the community their court serves, those members of the judiciary might not have the full picture of which agencies are equipped to provide which services. In addition, judges might be inclined to launch a specialized docket because funding is available without investigating what support the community can provide once the contours of a proposed docket take shape.

Those who are thinking about starting a specialized docket might want to connect with executive directors of not-for-profit agencies in their communities and members of the local bar association to develop as complete a snapshot as possible of the available resources. Schools might also have a more complete inventory of resources in the community.

Planning group members might also want to pay attention to local politics. Which organizations compete with one another? Which organizations have proved reliable or inept? Who gets along with whom and why? Which organizations have a good reputation for being responsive and which ones have garnered a bad reputation?

When meeting with representatives of the more promising organizations, ask:

- “What can you offer to help us tackle this problem?”
- “What would you need in order to be part of the solution?”
- “Who else in the community should be part of solving this problem?”

The benefits of this outreach are:

- Better buy-in from community partners;
- Potential community partners might be able to tap into resources that are unknown or unavailable to the Judiciary, and involving those partners early gives them sufficient time to pursue those resources;

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- A more thorough proposal with more holistic services:
  - The planning group might learn about options for docket participants that can help keep communities safe, reduce recidivism, or address a participant's unique needs; and
  - The planning group might learn about options that are available for free or at reduced rates, thereby mitigating needed funding to support the program.

As you recruit community members to the planning group, note whether there are ancillary resources in your community that can support the goals of the specialized docket you're proposing. For example, there might be an organization in your community that offers supervised visitation services and vocational training; while supervised visitation might be a required service for the target population, there might be some participants who could benefit from a referral to that organization's vocational training services.

If you are gathering information about organizations in your community that offer twelve-step support groups, such as Alcoholics Anonymous, ask whether there are any non-faith-based alternatives available to participants. Are there specific support groups for men, women, different religious backgrounds, users of drugs other than alcohol, LGBTQ individuals? Can you refer participants to residential treatment facilities or outpatient facilities? If so, are there any constraints on the capacity of those providers, and how will they handle referrals from your docket?

As you learn more about the services available in your community, keep in mind how the various community-based organizations will fit into the specialized docket. Consider community demographics, distance or travel concerns, the target population, and how much supervision will be required.

Rather than make specific referrals, many specialized dockets provide a list of community resources to their participants. Even these general referrals might require your team to connect and share information with these organizations and their stakeholders. Keep in mind that a significant uptick in referrals might overwhelm a community partner, or it might create a funding opportunity for that partner. The key to managing those relationships is effective communication between a key member of the planning group (such as the judge championing the initiative) and organizations in the community.

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There are two reasons the Court Administrator asks individuals seeking to establish a specialized docket to fill out the “Application for Approval to Establish a Specialized Docket” (Appendix B):

1. A complete application helps the Supreme Court, the State Court Administrator, the Chief Superior Judge, the Chief of the Division of Trial Court Operations, and the presiding judge(s) of the court(s) that will house the docket assess the merits of the proposed specialized docket so that the Judiciary can invest limited resources wisely; and
2. A thoughtful application demonstrates the planning group’s commitment to work collaboratively with community stakeholders to design a proposal that comports with best practices.

### *Application Components*

The application solicits the following information:

- Applicant’s name and contact information
- Which court(s) will host the specialized docket?
- What problem will the specialized docket solve?
- What population will the specialized docket serve?
- What services does the target population need?
- Which organizations will deliver services to the target population?
- How does your proposed docket augment existing specialized dockets?
- What resources will your proposed docket likely require?

#### Part One: Applicant’s Name and Contact Information

Supply the name, title, address, phone number, and email address of the applicant. Note that the applicant must sign and date the application at the bottom of the form.

The applicant is typically the judge who will preside over the proposed specialized docket. If the applicant is not a judge, the applicant may include a letter of support from a judge who is willing to preside over the specialized docket.

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The Judiciary is more likely to approve applications submitted by a local judge or supported by a local judge.

Part Two: Which Court(s) Will Host the Specialized Docket?

Identify which division of the Superior Court will host the proposed specialized docket. Also, identify which geographical unit of the Superior Court division will host the proposed specialized docket and why.

Part Three: Explain Why the Judiciary Needs to Establish the Proposed Specialized Docket

As discussed more fully in Chapter Two, courts employ specialized dockets to process cases more efficiently, to minimize defendants' time in custody, to reduce recidivism, and/or to link defendants to community-based services.

In Part Three of the Application, explain why the proposed specialized docket is necessary. If you are trying to replicate a specialized docket that serves a different part of the State, compare your community with the area that is served by the docket you wish to replicate. If other institutions have tried to address the problem you've identified, describe how a specialized docket will augment or replace those efforts. You should draw on contemporary research to support your proposal.

Part Four: Identify the Target Population(s)

As discussed in Chapter Two, you should consider conducting a needs assessment to define the problem facing your community and identify whom that problem affects. Given that funding opportunities are often available to support programs designed to help specific populations, it is important to define a target population for the docket you propose.

Another reason to restrict your proposed docket to a specific demographic is that the population at large likely doesn't need the intense therapeutic or rehabilitative services your specialized docket can coordinate. Without a clearly defined target population, your proposal risks wasting expensive services on individuals who will not benefit from them because there are other less-burdensome interventions that would be just as effective at deterring future criminal conduct.

If you are applying to replicate a specialized docket that already exists in another jurisdiction, you should reach out to the administrators of that docket to learn more about which participants benefit most from the docket's services.

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This portion of the application also asks you to specify the minimum and maximum numbers of participants your proposed docket will serve. Please note that there are best practices applicable to how many participants—both minimum and maximum—your proposed docket should serve. In your application, please include information about how many offenders your docket will serve annually, and this information directly impacts the cost effectiveness and sustainability of your proposal. PCS staff can provide additional information during the planning stage on the optimum caseload for your proposed docket.

#### Part Five: Proposed Services

Using best practices as your guide, explain what services your target population needs to avoid recidivism, relapse, or self-harm. Also explain how available services might benefit ancillary populations, such as participants' victims or children. If research has demonstrated that the proposed services will be effective, cite that research.

By engaging with a diverse network of potential partners in your community during the planning phase, you can identify services that are rarely available in traditional criminal justice proceedings but that are critical to helping participants succeed in avoiding relapse or recidivating. In your application, think broadly about the target populations' needs, and consider creative options to meet those needs.

#### Part Six: Partners

Identify the name, address, website, and contact person for each organization that will support the proposed docket. Describe briefly how each organization proposes to support the specialized docket (for example, by furnishing staff, space, or in-kind services).

Partners might include the local State's Attorney, the local public defender, community-based service providers, the local probation & parole office, representatives from academia, victims' advocates, etc. These partners should be prepared to sign a memorandum of understanding later in the process to memorialize their role and commitment to supporting the docket.

Potential partners might offer to supply letters of support. Such letters are welcome but not required. Please note that these partners might be asked to provide letters of support in connection with an application for funding at a later date.

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Part Seven: Fit with Other Specialized Dockets

Briefly describe how your proposed docket affects existing specialized dockets in Vermont. Are you proposing to replace an existing docket? Does your proposal combine one or more existing dockets? Are you recommending that the Judiciary replicate an existing docket? If your proposed docket doesn't yet exist in Vermont, does it exist elsewhere? If so, have researchers studied the effectiveness of that model?

Part Eight: Anticipated Resources

Briefly describe what resources your proposed docket will require. Will members of your team require any specialized training? How will the proposed docket affect staffing in the court you propose to serve? If you suspect that the proposal will require additional resources, do you know of any potential funding sources? If you anticipate that the program will require start-up funds, how will the program be sustained after start-up funds disappear? Discuss the resources you'll need so that you can measure how effectively the docket serves members of the target population.

Please note that the Division of Planning and Court Services will work with you after your proposal is approved to identify potential funding sources and to discuss the viability of your proposed docket once start-up funding ends.



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### *Drug Courts*

1. Adult Drug Court Best Practice Standards (Vols. I & II)  
(National Association of Drug Court Professionals, 2015)  
*Available for download at:* <http://www.ndci.org/standards>
2. Developing and Implementing a Drug Treatment Court in Michigan  
(Michigan State Court Administrative Office, November 2012)  
*Available for download at:*  
<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/Specialty/DC-PlanningImplementation.pdf>
3. Drug Courts  
(US DOJ, Office of Justice Programs, National Institute of Justice)  
<http://www.nij.gov/topics/courts/drug-courts/pages/welcome.aspx>
4. Drug Courts: A Review of the Evidence  
(The Sentencing Project, April 2009)  
*Available for download at:* <http://www.sentencingproject.org/wp-content/uploads/2016/01/Drug-Courts-A-Review-of-the-Evidence.pdf>
5. Family Treatment Drug Courts  
(US Dept of Health and Human Services, Substance Abuse and Mental Health Services Administration, Administration for Children & Families, National Center on Substance Abuse and Child Welfare)  
<https://ncsacw.samhsa.gov/resources/resources-drug-courts.aspx>
6. Starting a Juvenile Drug Court: A Planning Guide  
(National Council of Juvenile and Family Court Judges, March 2014)  
*Available for download at:* <http://www.ncjfcj.org/resource-library/publications/starting-juvenile-drug-court-planning-guide>
7. The Drug Court Judicial Bench Book  
(Marlowe and Meyer, eds., National Drug Court Institute, February 2011)  
*Available for download at:*  
[http://www.ndci.org/sites/default/files/nadcp/14146\\_NDCI\\_Benchbook\\_v6.pdf](http://www.ndci.org/sites/default/files/nadcp/14146_NDCI_Benchbook_v6.pdf)

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### *Domestic Violence Courts*

1. A National Portrait of Domestic Violence Courts  
(The Center for Court Innovation, 2009)  
*Available for download at:* <https://www.ncjrs.gov/pdffiles1/nij/grants/229659.pdf>
2. Creating a Domestic Violence Court: Adapting the Model to Your Community: A Planning Toolkit  
(The Center for Court Innovation)  
*Available for download at:*  
<https://www.supremecourt.ohio.gov/JCS/domesticViolence/topics/DVCourts/DVCToolkit.pdf>
3. Creating a Domestic Violence Court: Guidelines and Best Practices  
(Sack, Family Violence Prevention Fund)  
*Available for download at:*  
[https://www.futureswithoutviolence.org/userfiles/file/Judicial/FinalCourt\\_Guidelines.pdf](https://www.futureswithoutviolence.org/userfiles/file/Judicial/FinalCourt_Guidelines.pdf)
4. Domestic Violence Court  
(The Center for Court Innovation)  
<http://www.courtinnovation.org/project/domestic-violence-courts>
5. Domestic Violence Courts  
(US DOJ, Office of Justice Programs, National Institute of Justice)  
<http://www.nij.gov/topics/courts/domestic-violence-courts/pages/welcome.aspx>
6. Domestic Violence Resource Guide  
(National Center for State Courts)  
<http://www.ncsc.org/Topics/Children-Families-and-Elders/Domestic-Violence/Resource-Guide.aspx>

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**NOTE:** The Supreme Court has established a protocol for approval of specialty, problem-solving, and treatment dockets. The approval by the Court will be based on its consideration of the factors set forth in Establishing a Treatment Docket or Problem-Solving Docket as well as its consideration of the information supplied in a submitted application. Please note that submission of a completed application does not guarantee approval of a proposal.

Instructions: Please supply the information requested in each of the eight parts below consistent with the guidance in the publication Establishing a Treatment Docket or Problem-Solving Docket. Please feel free to submit your responses on additional pages. When identifying partners in response to part six, please supply the information requested for each partner. In the attestation following part eight, please print your name and the date you are submitting your application, and please sign where indicated. Please send your complete application to:

Kim Owens, Programs Manager  
 Vermont Judiciary  
 Division of Planning and Court Services  
 109 State Street  
 Montpelier, VT 05609-0701  
[kim.owens@vermont.gov](mailto:kim.owens@vermont.gov) / (802) 786-8857

Part One: Applicant's Name and Contact Information		
1.	Name:	
2.	Title:	
3.	Organization:	
4.	Address:	
5.	Phone:	
6.	Email:	

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<b>Part Two: Information about the Hosting Court(s)</b>		
1.	Which Court will host the proposed docket?	<input type="checkbox"/> Superior Court <input type="checkbox"/> Judicial Bureau
2.	Which Division(s) will host the proposed docket?	<input type="checkbox"/> Civil <input type="checkbox"/> Family <input type="checkbox"/> Criminal <input type="checkbox"/> Probate <input type="checkbox"/> Environmental <input type="checkbox"/> N/A
3.	Which Unit(s) will host the proposed docket?	<input type="checkbox"/> Addison <input type="checkbox"/> Franklin <input type="checkbox"/> Rutland <input type="checkbox"/> Bennington <input type="checkbox"/> Grand Isle <input type="checkbox"/> Washington <input type="checkbox"/> Caledonia <input type="checkbox"/> Lamoille <input type="checkbox"/> Windham <input type="checkbox"/> Chittenden <input type="checkbox"/> Orange <input type="checkbox"/> Windsor <input type="checkbox"/> Essex <input type="checkbox"/> Orleans <input type="checkbox"/> Statewide

<b>Part Three: Necessity of the Proposed Docket</b>	
Q.	Why is the proposed specialized docket needed?
A.	

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Part Four: Target Population	
Q.	Please describe the target population(s) your proposed docket will serve, and please specify the minimum and maximum numbers of participants the docket will serve.
A.	

Part Five: Needed Services	
Q.	What services do members of the target population need, and how will your proposed specialized docket connect participants with those services?
A.	

Part Six: Partners (Please complete for <u>each</u> partner)	
1.	Name:
2.	Website:
3.	Contact Person:
Q.	How will this partner support the proposed docket?
A.	

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Part Seven: Impact on Other Dockets	
Q.	How will the proposed docket affect any existing specialized dockets?
A.	

Part Eight: Anticipated Resources	
Q.	What resources will your proposed specialized docket need? Please discuss any anticipated start-up costs, staffing costs, evaluation costs, or other costs. Also, please describe any funding sources other than general funds that the planning group has identified to support the proposed specialized docket.
A.	

I, \_\_\_\_\_, attest that the information provided in this form is accurate and true.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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<b><u>For Internal Use Only</u></b>		
<b>Reviewer</b>	<b>Date of Review</b>	<b>Recommendation</b>
Presiding Judge(s) of the Court where the proposed docket will be housed	_____	<input type="checkbox"/> Approve <input type="checkbox"/> Reject <input type="checkbox"/> Additional Information Requested
Chief of the Division of Trial Court Operations	_____	<input type="checkbox"/> Approve <input type="checkbox"/> Reject <input type="checkbox"/> Additional Information Requested
Chief Trial Court Judge	_____	<input type="checkbox"/> Approve <input type="checkbox"/> Reject <input type="checkbox"/> Additional Information Requested
State Court Administrator	_____	<input type="checkbox"/> Approve <input type="checkbox"/> Reject <input type="checkbox"/> Additional Information Requested
Supreme Court of the State of Vermont	_____	<input type="checkbox"/> Approve <input type="checkbox"/> Reject <input type="checkbox"/> Additional Information Requested